

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE

CHAPTER 13

FATIMA WHITE

: CASE NO:

19-13044 AMC

Debtor

**DEBTOR'S RESPONSE TO THE MOTION
REQUESTING RELIEF FROM THE AUTOMATIC STAY**

The Debtor, through counsel, responds to the Motion of DITECH FINANCIAL, LLC ("Movant"), for relief from the automatic stay as to Debtor's residence at 6331 Ross St, Philadelphia, PA 19144 (the "Property") as follows:

1. Admitted.
2. Denied as stated. Debtor is the sole owner of the Property.
3. Denied as stated. Debtor admits that there are documents recorded at the book and page number and document identification numbers identified, but any legal characterization of these documents is denied. By way of further response, the note and mortgage that are the basis of Movant's claim of interest in the Property were reduced to a judgment in the amount of \$92,028.00. See Ditech Financial LLC v. White, No. 171002823 (Phila. Com. Pleas) (hereinafter, the "Judgment"). The doctrine of merger of judgments provides that the terms of a contract, in this case the note and mortgage, are merged into a judgment and thereafter no longer provide the basis for determining the obligations of the parties. Youngman v. Fleet Bank (In re A&P Diversified Technologies Realty, Inc.), 467 F.3d 337, 341 (3d Cir. 2006); In re Stendardo, 991 F.2d 1089, 1094-95 (3d Cir. 1993).

By way of further answer, Debtor applied for a mortgage loan modification with Movant on October 23, 2019, and, by letter dated December 31, 2019, her application was approved.

Debtor is now in a three-month trial payment period (TPP) starting on February 1, 2020. Upon receiving a permanent mortgage modification, Debtor anticipates voluntarily dismissing her bankruptcy petition. A true and correct copy of the loan modification offer is attached as Exhibit B.

4. Admitted.

5. Denied as stated. The foreclosure lawsuit was concluded by entry of judgment prepetition. Admitted that enforcement of the judgment through a sheriff sale of the Property was stayed by the filing of the petition.

6. Denied. Debtor has made all monthly post-petition mortgage payments, including payments of \$537.68 for the months of October 2019, November 2019, and December 2019. A true and correct copy of her receipts for these payments is attached as Exhibit A.

7. Debtor is without information as to the averments in this paragraph and the same is therefore deemed denied.

8. Denied. Debtor has made all monthly post-petition mortgage payments, including payments of \$537.68 for the months of October 2019, November 2019, and December 2019. She believes her post-petition payments are current. A true and correct copy of her receipts for these payments is attached as Exhibit A.

9. Denied as stated. It is denied that Debtor is delinquent in plan payments to the Chapter 13 Trustee in the amount stated. However, it is admitted that Debtor is delinquent in plan payments to the Chapter 13 Trustee.

10. Denied.

11. This is a conclusion of law to which no response is required. To the extent a response is required, this allegation is denied.

WHEREFORE the Debtor requests that the Motion be DENIED.

/s/ Michael R. Froehlich, Esq.
MICHAEL R. FROEHLICH, ESQ.
Attorney for Debtor
Community Legal Services, Inc.
1410 W. Erie Ave.
Philadelphia, PA 19140
(215) 227-4733
mfroehlich@clsphila.org

EXHIBIT A

Michael Froehlich

From: fatima white <fatiwh@gmail.com>
Sent: Friday, December 20, 2019 2:08 PM
To: Michael Froehlich
Subject: Re: Transaction Notification

On Fri, Dec 20, 2019, 2:01 PM No Reply Ditech Notification <DitechNotification@ditech.com> wrote:

Dear FATIMA WHITE,

Thank you for your payment. Below is a confirmation summary of the one-time electronic payment transaction you requested on Dec 20, 2019. Your payment will be processed on Dec 20, 2019 as referenced in the transaction detail below.

You may revoke your authorization up to 3 business days before the scheduled debit date.

If you need to modify or delete your pending payments, you may do so online at www.ditech.com/myaccount or contact our Customer Service department at 1-800-643-0202.

Otherwise, your payment will process as scheduled.

Confirmation number:	[REDACTED]
Payment Date:	Dec 20, 2019, 1:01:20 PM
Payment Entered Date	Dec 20, 2019 1:01:20 PM
Payment amount:	\$545.00
Electronic payment fee:	\$0.00
Total Draft Amount:	\$545.00

Contact Information

First Name:	FATIMA
Last Name:	WHITE
Address:	1507 W COURTLAND ST
City:	PHILADELPHIA
State:	Pennsylvania
ZIP code:	191401122
Email Address:	Fatiwh@gmail.com

Account Information

Payment Type:	Regular Payment
Reference Account Number:	[REDACTED]
Payment Method:	E-Check

Payment Method Information

Account Type:	Checking Account
Name On Account	FATIMA WHITE
Account Number	[REDACTED]
Routing Number:	[REDACTED]

This email was sent to: Fatiwh@gmail.com

Ditech Financial LLC | PO Box 6172 | Rapid City, SD 57709

This message is private and confidential. If you have received this message in error, please contact us to let us know as soon as possible and delete this message immediately. Please do not reply to this auto-generated message, as replies are not monitored.

Michael Froehlich

From: fatima white <fatiwh@gmail.com>
Sent: Thursday, December 12, 2019 9:53 AM
To: Michael Froehlich
Subject: Re: Transaction Notification

Here goes the payment confirmation.

On Thu, Dec 12, 2019, 9:48 AM No Reply Ditech Notification <DitechNotification@ditech.com> wrote:

Dear FATIMA WHITE,

Thank you for your payment. Below is a confirmation summary of the one-time electronic payment transaction you requested on Dec 12, 2019. Your payment will be processed on Dec 12, 2019 as referenced in the transaction detail below.

You may revoke your authorization up to 3 business days before the scheduled debit date.

If you need to modify or delete your pending payments, you may do so online at www.ditech.com/myaccount or contact our Customer Service department at 1-800-643-0202.

Otherwise, your payment will process as scheduled.

Confirmation number:	[REDACTED]
Payment Date:	Dec 12, 2019, 8:48:12 AM
Payment Entered Date	Dec 12, 2019 8:48:12 AM
Payment amount:	\$545.00
Electronic payment fee:	\$0.00
Total Draft Amount:	\$545.00

Contact Information

First Name:	FATIMA
Last Name:	WHITE
Address:	1507 W COURTLAND ST
City:	PHILADELPHIA
State:	Pennsylvania
ZIP code:	191401122
Email Address:	Fatiwh@gmail.com

Account Information

Payment Type:	Regular Payment
Reference Account Number:	[REDACTED]
Payment Method:	E-Check

Payment Method Information

Account Type: Checking Account
Name On Account: FATIMA WHITE
Account Number: [REDACTED]
Routing Number: [REDACTED]

This email was sent to: Fatiwh@gmail.com

Ditech Financial LLC | PO Box 6172 | Rapid City, SD 57709

This message is private and confidential. If you have received this message in error, please [contact us](#) to let us know as soon as possible and delete this message immediately. Please do not reply to this auto-generated message, as replies are not monitored.

Michael Froehlich

From: fatima white <fatiwh@gmail.com>
Sent: Friday, December 13, 2019 7:59 AM
To: Michael Froehlich
Subject: Re: Transaction Notification

Receipt

On Tue, Dec 10, 2019, 5:50 PM No Reply Ditech Notification <DitechNotification@ditech.com> wrote:

Dear FATIMA WHITE,

Thank you for your payment. Below is a confirmation summary of the one-time electronic payment transaction you requested on Dec 10, 2019. Your payment will be processed on Dec 10, 2019 as referenced in the transaction detail below.

You may revoke your authorization up to 3 business days before the scheduled debit date.

If you need to modify or delete your pending payments, you may do so online at www.ditech.com/myaccount or contact our Customer Service department at 1-800-643-0202.

Otherwise, your payment will process as scheduled.

Confirmation number:	[REDACTED]
Payment Date:	Dec 10, 2019, 4:50:13 PM
Payment Entered Date	Dec 10, 2019 4:50:13 PM
Payment amount:	\$545.00
Electronic payment fee:	\$0.00
Total Draft Amount:	\$545.00

Contact Information

First Name:	FATIMA
Last Name:	WHITE
Address:	1507 W COURTLAND ST
City:	PHILADELPHIA
State:	Pennsylvania
ZIP code:	191401122
Email Address:	Fatiwh@gmail.com

Account Information

Payment Type:	Regular Payment
Reference Account Number:	[REDACTED]
Payment Method:	E-Check

Payment Method Information

Account Type:	Checking Account
Name On Account	FATIMA WHITE
Account Number	[REDACTED]
Routing Number:	[REDACTED]

This email was sent to: Fatiwh@gmail.com

Ditech Financial LLC | PO Box 6172 | Rapid City, SD 57709

This message is private and confidential. If you have received this message in error, please [contact us](#) to let us know as soon as possible and delete this message immediately. Please do not reply to this auto-generated message, as replies are not monitored.

Michael Froehlich

From: fatima white <fatiwh@gmail.com>
Sent: Friday, December 6, 2019 5:11 PM
To: Michael Froehlich
Subject: Re: Transaction Notification

October payment

On Fri, Oct 11, 2019, 10:03 AM No Reply Ditech Notification <DitechNotification@ditech.com> wrote:

Dear FATIMA WHITE,

Thank you for your payment. Below is a confirmation summary of the one-time electronic payment transaction you requested on Oct 11, 2019. Your payment will be processed on Oct 11, 2019 as referenced in the transaction detail below.

You may revoke your authorization up to 3 business days before the scheduled debit date.

If you need to modify or delete your pending payments, you may do so online at www.ditech.com/myaccount or contact our Customer Service department at 1-800-643-0202.

Otherwise, your payment will process as scheduled.

Confirmation number:	██████████
Payment Date:	Oct 11, 2019, 9:03:08 AM
Payment Entered Date	Oct 11, 2019 9:03:08 AM
Payment amount:	\$544.00
Electronic payment fee:	\$0.00
Total Draft Amount:	\$544.00

Contact Information

First Name:	FATIMA
Last Name:	WHITE
Address:	1507 W COURTLAND ST
City:	PHILADELPHIA
State:	Pennsylvania
ZIP code:	191401122
Email Address:	Fatiwh@gmail.com

Account Information

Payment Type:	Regular Payment
Reference Account Number:	██████████
Payment Method:	E-Check

Payment Method Information

Account Type:	Checking Account
Name On Account	FATIMA WHITE
Account Number	[REDACTED]
Routing Number:	[REDACTED]

This email was sent to: Fatiwh@gmail.com

Ditech Financial LLC | PO Box 6172 | Rapid City, SD 57709

This message is private and confidential. If you have received this message in error, please contact us to let us know as soon as possible and delete this message immediately. Please do not reply to this auto-generated message, as replies are not monitored.

EXHIBIT B



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

January 7, 2010

Ditech
ATTN: Loss Mitigation
301 W. Bay Street
Jacksonville, FL 32202

**RE: Fatima White, Account No. [REDACTED]
1507 W Courtland St., Philadelphia, PA 19140**

To whom it may concern:

Community Legal Services represents homeowner-borrower Fatima White. We are in receipt of Ditech's letter dated December 31, 2019, offering Ms. White a trial period plan in response to her application for a mortgage loan modification. Ms. White accepts this plan. Enclosed, please find the document executed on this date by Ms. White.

If you have any questions, please feel free to contact me at 215-227-4733. Thank you very much.

Sincerely yours,

Michael Froehlich, Esq.

Enclosures.

CC: Rebecca Solarz, Esq., KML Law
Counsel for Ditech
By email only



Ditech Financial LLC
PO Box 15009
Tempe, AZ 85284 - 0109

December 31, 2019

Michael R. Froehlich
Community Legal Services, Inc.
1410 W. ERIE AVE.
PHILADELPHIA, PA 19140

Re: Ditech Financial LLC ("Ditech")
Customer Name: Fatima White
Account Number: [REDACTED]
Property Address: 1507 W Courtland St
Philadelphia, PA 19140

THIS INFORMATIONAL NOTICE IS NOT AN ATTEMPT TO COLLECT A DEBT. IF YOUR CLIENT IS CURRENTLY IN BANKRUPTCY OR THEY DISCHARGED THIS DEBT IN A BANKRUPTCY, THE SERVICER IS NOT ATTEMPTING TO COLLECT OR RECOVER THE DEBT AS THEIR PERSONAL LIABILITY.

Dear Michael R. Froehlich, Community Legal Services, Inc.:

We want to continue to work with your client to modify their mortgage and help make their payments more affordable.

Modification

The good news – your client may be eligible for a modification. With this modification, your client will be required to make new affordable payments during a trial period. This is the first step toward qualifying for more affordable mortgage payments. Please review this letter so that your client can understand all the steps they need to take to modify their mortgage payments.

What you need to do...

To accept this offer, your client must sign the agreement below and return to us at the address above their signature(s) and before they make their first monthly "trial period payment" under the below-referenced Trial Period Plan. To qualify for a permanent modification, your client must make the following trial period payments in a timely manner as specified in the Trial Period Plan below – instead of their normal monthly mortgage payments:

Trial Period Plan

1st payment: \$613.69 by 02/01/2020
2nd payment: \$613.69 by 03/01/2020
3rd payment: \$613.69 by 04/01/2020

The trial period payment amounts set forth above include principal, interest and escrow amounts, if applicable. After all trial period payments are timely made, your client's mortgage will be permanently modified. (Your client's existing account and account requirements remain in effect and unchanged during the trial period.) **If each payment is not received by Ditech in the month in which it is due, your client will no longer be eligible for a modification and their account will not be modified.** If your client's last trial period payment is made in the last half of the month it is due, we may elect to extend their Trial Period Plan by an extra month.

TIME IS OF THE ESSENCE.

Please send trial period payments to:

Ditech Financial LLC
PO BOX 94710
PALATINE, IL 60094-4710

If you have any questions or if your client cannot afford the trial period payments shown above but want to remain in their home, please call us at **1-877-624-8026** as we may be able to help them; Ditech has designated the following address where mortgage loan customers must send any Qualified Written Request, Notice of Error or Request for Information: PO Box 12710, Tempe, AZ 85284 - 0046.

Sincerely,

Ditech
1-877-624-8026
Monday through Friday 7am – 8pm and Saturday 7am – 1pm CST



Ditech Financial LLC
PO Box 15009
Tempe, AZ 85284 - 0109


December 31, 2019

Account Number: [REDACTED]
Property Address: 1507 W Courtland St
Philadelphia, PA 19140

REQUIRED ACTION:

To accept this offer and enter into the plan, sign and return this document to the following address before the due date of your first trial plan payment:

Ditech
ATTN: LOSS MITIGATION
301 W. Bay Street
Jacksonville FL 32202
Or you may fax this notice to 1-877-612-2422


Fatima White

1/2/20
Date

Trial Period Plan

1st payment: \$613.69 by 02/01/2020
2nd payment: \$613.69 by 03/01/2020
3rd payment: \$613.69 by 04/01/2020